

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 27, 2015

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No. 15OD-021

Oahu

Issuance of a Right-of-Entry Permit to Oahu Hawaiian Canoe Racing Association Hawaii (OHCRAH) for a Canoe Race Event, on October 10 and 11, 2015, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.

APPLICANT:

Oahu Hawaiian Canoe Racing Association Hawaii (OHCRAH), a domestic non-profit corporation

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waikiki, Honolulu, Oahu, identified as Tax Map Key: (1) 2-3-037: portions of 021, as shown on the attached Exhibit 1.

AREA:

Area #1: 2,000 square feet
Area #2: 1,600 square feet
Area #3: 800 square feet
Area #7: 1,500 square feet
Total Area: 5,900 square feet, more or less

ZONING:

State Land Use District: Urban

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

The requested beach areas are unencumbered.

CHARACTER OF USE:

Canoe Race Event use

TERM:

From 3 p.m. on Saturday, October 10, 2015 until 6 p.m. on Sunday, October 11, 2015.

RENTAL:

\$1,180.00 (One-time payment based on 10¢ per square foot per day.)

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation.", as included in Exhibit 2.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

REMARKS:

The Hawaiian Airlines Molokai Hoe Long Distance Race event consists of approximately forty-two (42) nautical miles beginning at Hale-O-Lono Harbor, Molokai

and finishes offshore from Duke Kahanamoku Beach in Waikiki; fronting the Hilton Hawaiian Village Hotel, located on the island of Oahu. The canoe race-day is scheduled for Sunday, October 11, 2015, starting at 8 A.M. and the teams are expected to finish from four to six hours thereafter.

The Oahu Hawaiian Canoe Racing Association Hawaii (OHCRAH) requests that the Board approve of a right-of-entry permit for its use over specific areas of the Duke Kahanamoku Beach. The Applicant's request to use the beach is for the purpose of bringing closure to the canoe race event. The setting up of four (4) specific areas of the beach is scheduled to begin at 3 P.M. on Saturday, October 10, 2015, and a teardown of those areas is scheduled for the following day, at 6 P.M. on Sunday, October 11, 2015.

For Board approval purposes of this request, the subject right-of-entry permit includes Beach Areas: #1, #2, #3 and #7, only. See Exhibit 3.

Beach Area #1 is intended to be an Awards/Finish/Hospitality/Webcast Area, located within close proximity to the parking lot of the Ala Wai Boat Harbor.

Beach Area #2 is the Exhibitors Area consisting of exhibitor booths for the displaying of promotional materials associated with the sport of canoe racing. No commercial types of activities are allowed within this area.

Beach Area #3 will serve Out of State/International Hospitality purposes.

Beach Area #7 is intended for use as a Canoe Exit Area and is located nearby to the parking lot where the awaiting canoe trailers will be staged. It is within this area that the canoes will be partially disassembled in preparation for exiting purposes. Items related to the closing of the event will also be located within this area.

The Applicant has requested access to the Hilton Hawaiian Village Pier (currently encumbered under Revocable Permit No. 7566), located adjacent to where the finish line for the canoe race event will be designated. Revocable Permit No. 7566 requires a \$1.50 toll fee per paying customer. However, it is staff's understanding that the Hilton Hawaiian Village Hotel (HHVH) will not be charging a fee to any of the canoe race officials nor to its participants for the use of the subject pier. Therefore, staff is of the opinion that HHVH will not be required to pay the State for the said toll fee.

In accordance with 13-221-45, HAR, regarding Advertisements: "No person shall display, post or distribute notices or advertisements except with the prior written permission of the board or its authorized representative. Permission may be granted only if the notice or the advertisement relates to services, goods or facilities available within the premises and the notices and advertisements are found by the board or its authorized representative to be desirable and necessary for the convenience and guidance of the public."

There will be a banner displayed at the event site for the Hawaiian Airlines Molokai Hoe Long Distance Race event. According to the applicant, additional advertising will consist of smaller banners and flags for Hawaiian Airlines only, relating to its free prize drawings that award the airline's flight mileage. The flight mileage awards will be made available within the premises. Because the advertising will be notifying the public about the free prize drawings to be held at the event site, the Board can find the advertising to be desirable and necessary for the convenience and guidance of the public. As such, the banners and flags would be in compliance with 13-221-45, HAR, regarding Advertisements. Pursuant to 13-221-45, HAR, staff will be requesting the Board's permission to allow for the advertising within the subject premises.

There were no requests that were routed to government and/or community agencies for comments since there are currently no outstanding issues associated with this request.

Staff has no objections to the subject request.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Oahu Hawaiian Canoe Racing Association Hawaii for the purpose of covering the subject area for a canoe race event under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time; and
 - b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Pursuant to 13-221-45, HAR, regarding Advertisements, grant permission to display, post or distribute notices or advertisements within the subject premises by Hawaiian Airlines, Inc. for the Hawaiian Airlines Molokai Hoe Long Distance Race event.

Respectfully Submitted,

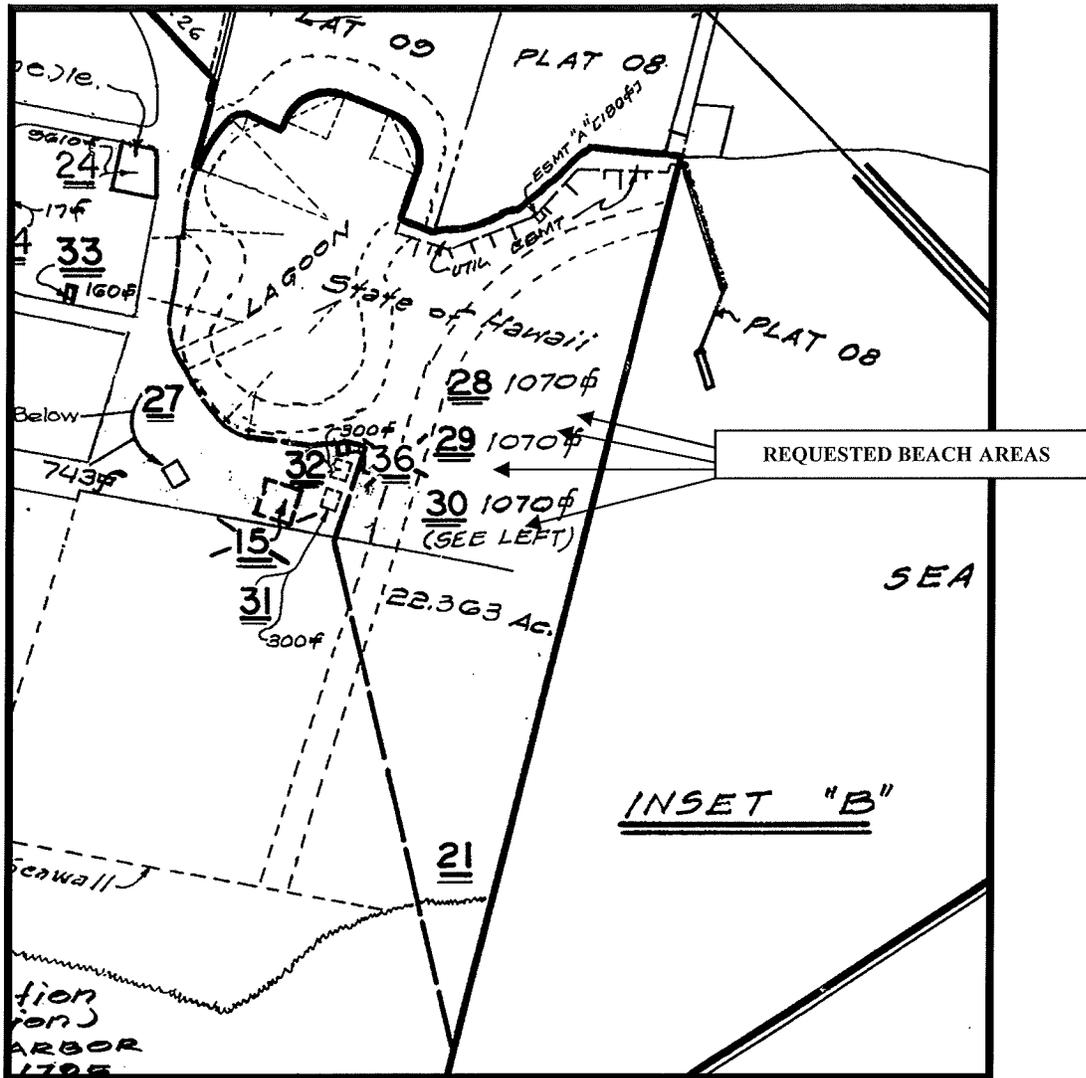


Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



Carty S. Chang, Interim Chairperson



TAX MAP KEY: (1) 2-3-037: PORTIONS OF 21

EXHIBIT 1

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of a Right-of- Entry Permit to Oahu Hawaiian Canoe Racing Association Hawaii for a Canoe Race Event

Project / Reference No.: PSF 15D-021

Project Location: Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of: 021.

Project Description: For a Canoe Race Event

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

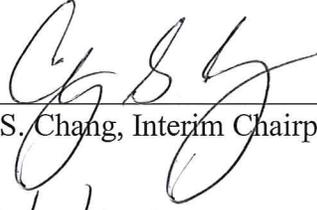
This Division has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties Not applicable

EXHIBIT 2

Recommendation:

That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



Carty S. Chang, Interim Chairperson



3/11/15

Date

